

FAR 52.212-02 EVALUATION--COMMERCIAL ITEMS (OCT 2014)

FAR 52.212-02 IS TAILORED AS FOLLOWS

GENERAL EVALUATION PROCEDURES

1. This acquisition will utilize the Lowest Price Technically Acceptable (LPTA) source selection method to make an integrated assessment award decision. Award will be made to the responsible offeror with the lowest price whose proposal meets the acceptability standards for non-cost factors and demonstrates balanced pricing. Offerors should propose their best solution to meet the stated requirements.

2. The following factors shall be used to evaluate offers:

a. TECHNICAL ACCEPTABILITY

b. PRICE

3. The Government intends to award without discussions, however reserves the right to conduct discussions if the Contracting Officer (CO) determines discussions are necessary. Proposals not rated as "Technically Acceptable," either before or after discussions (in the event the CO determines discussions are in the best interest of the Government) will be eliminated from the competition and receive no further consideration.

4. The Government may consider an offer "non-responsive" and unawardable if the Instructions listed in FAR 52.212-1 INSTRUCTIONS TO OFFERORS--COMMERCIAL ITEMS, as tailored within this solicitation, are not adhered to. This includes, but is not limited to: proposal submission procedures, proposal volume organization, omission of requested documents, inclusion of circumscribed identifying information, or incomplete documents submitted with the proposal. If an offeror is determined to be "non-responsive," the Government may eliminate the offeror.

5. Each responsive proposal will be assigned an identifying number which will be used in lieu of the offeror's name during technical evaluation. (Reference FAR 52.212-01 Instructions to Offerors, Volume I: Technical Proposal, Paragraph 2)

6. Responsive proposals will be ranked from lowest to highest total evaluated price (TEP). Any proposal with unbalanced pricing will be eliminated from further consideration.

- (a) Per FAR 15.404-1(g), unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly over or understated as indicated by the application of cost or price analysis techniques. The Government will analyze each offeror's proposed price for each contract line item for balance to determine if the proposed contract line item price is significantly over or understated. The Government will use the Independent Government Cost Estimate

- and similar historical acquisitions to determine if each proposed contract line item price is significantly over or understated.
7. The two lowest-priced, responsive proposals with balanced and reasonable pricing will be evaluated for technical acceptability.
 8. A technical review team composed of key government personnel who are experts in their respective disciplines will use their technical skills, knowledge and experience to thoroughly review the adequacy of the proposal. Technical proposals shall be rated either Acceptable or Unacceptable.
 9. In order to be rated "Technically Acceptable", the offer must have an "Acceptable" rating in each and every sub-factor. If neither of the first two lowest-priced proposals is determined to be technically acceptable, the next lowest-priced proposal will be evaluated for technical acceptability. This process will continue until a proposal is rated Technically Acceptable.
 10. When a proposal is rated technically acceptable, with balanced and reasonable pricing the evaluation process stops at that point. That proposal will be determined to represent the best value for the Government. Award shall be made to that offeror without further consideration of any other offers.
 11. If the CO determines discussions are necessary, the CO shall set an appropriate time for submission of additional information as part of the proposal. If the additional information, submitted timely, establishes technical acceptability, it shall be so rated. Otherwise, the proposal shall be rated unacceptable.
 12. Additionally, if no offers are rated technically acceptable, the CO has the discretion to cancel the Solicitation in lieu of conducting discussions. In this case, the Government is under no obligation to release a new Solicitation.
 13. Options (if included): The Government will evaluate offers for award purposes by adding the total price for all options (if included) to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).
 14. A written notice of award or acceptance of an offer mailed or otherwise, furnished to the successful offeror within the time for acceptance specified in the offer, may result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award

EVALUATION FACTORS

Proposals will be evaluated against the following factors/subfactors:

1. Factor 1: TECHNICAL ACCEPTABILITY

(a) Each technical subfactor will be evaluated on an acceptable/unacceptable basis and assigned a rating on whether the proposal meets the solicitation requirements. Extra credit will not be assigned for exceeding the acceptable/unacceptable subfactor criteria. A rating of "Acceptable" will be required in all subfactors to be eligible for award.

TABLE 1 - TECHNICAL ACCEPTABLE/UNACCEPTABLE RATINGS

Rating	Description
Acceptable	Proposal meets the requirements of the solicitation.
Unacceptable	Proposal does not meet the requirements of the solicitation.

The following subfactors will be evaluated to determine technical acceptability:

(1) Subfactor 1: Technical Proposal Questionnaires (TPQs)

a. Description: Offerors shall complete the TPQs.

b. Measure of Merit: This subfactor is met when the offeror provides completed TPQs in accordance with FAR 52.212-01, as tailored within this solicitation and the responses demonstrate capabilities to provide mandatory requirements set forth in the Cover Purchase Description (PD) and all Appendices.

(2) Subfactor 2: Commercial Literature/Cut Sheets

a. Description: Offerors shall provide commercial literature/cut sheets that depict/describe the specific equipment that will be provided.

b. Measure of Merit: This subfactor is met when the literature/cut sheets are provided in accordance with FAR 52.212-01, as tailored within this solicitation and thoroughly describe/depict the characteristics of the specific equipment required to meet the requirements of the PD and Appendices and the methodology proposed.

(3) Subfactor 3: Proposed Schedule

a. Description: Offerors shall provide their proposed methodology and schedule for accomplishing the objectives in the Cover PD and Appendices.

b. Measure of Merit: This subfactor is met when the proposed schedule depicts a logical progression of defined objectives, events, and submittals and have included steps which are

relevant and required to complete the work in accordance with FAR 52.212-01, as tailored within this solicitation.

2. Factor 2: PRICE

(a) A proposal's Total Evaluated Price (TEP) will be determined as the sum of all CLIN prices as presented on the SF 1449 and the Summary Pricing Sheet. If both Unit and Extended Prices (as applicable) are not included or are not clearly understandable, the offer may be rejected as non-responsive.

(b) The contract proposal prices will be evaluated for reasonableness. For a price to be reasonable, it shall represent a price to the Government that a prudent person would pay when consideration is given to prices in the market. Normally, price reasonableness is established through adequate price competition, but may also be determined through cost and price analysis techniques as described in FAR 15.404.

(c) CLIN prices will be evaluated for balance. Unbalanced pricing is grounds for rejection of a proposal. Per FAR 15.404-1(g), unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly over or understated as indicated by the application of cost or price analysis techniques. The Government will analyze each offeror's proposed price for each contract line item for balance to determine if the proposed contract line item price is significantly over or understated. The Government will use the Independent Government Cost Estimate and similar historical acquisitions to determine if each proposed contract line item price is significantly over or understated.